

Message

From: Denawa, Mai [Denawa.Mai@epa.gov]
Sent: 9/16/2020 7:06:27 PM
To: Robinson, Valois [Robinson.Valois@epa.gov]
CC: Chin, Lucita [Chin.Lucita@epa.gov]
Subject: RE: Section 14.4 wildlife - other CEA topics and upcoming meeting
Attachments: RTC and CEA scope and rationale.docx

Here is the updated table I was referring to.

From: Robinson, Valois <Robinson.Valois@epa.gov>
Sent: Tuesday, September 15, 2020 10:39 AM
To: Denawa, Mai <Denawa.Mai@epa.gov>
Cc: Chin, Lucita <Chin.Lucita@epa.gov>
Subject: RE: Section 14.4 wildlife - other CEA topics and upcoming meeting

That sounds good! Thanks!

Valois

Valois Robinson
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From: Denawa, Mai <Denawa.Mai@epa.gov>
Sent: Tuesday, September 15, 2020 10:38 AM
To: Robinson, Valois <Robinson.Valois@epa.gov>
Cc: Chin, Lucita <Chin.Lucita@epa.gov>
Subject: RE: Section 14.4 wildlife - other CEA topics and upcoming meeting

Ex. 5 AC/DP

From: Robinson, Valois <Robinson.Valois@epa.gov>
Sent: Tuesday, September 15, 2020 9:10 AM
To: Denawa, Mai <Denawa.Mai@epa.gov>

Cc: Chin, Lucita <Chin.Lucita@epa.gov>

Subject: RE: Section 14.4 wildlife - other CEA topics and upcoming meeting

That sounds good. I appreciate your efforts on each of these CEA topics! I know they are not easy to deal with!

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From: Denawa, Mai <Denawa.Mai@epa.gov>
Sent: Tuesday, September 15, 2020 7:58 AM
To: Robinson, Valois <Robinson.Valois@epa.gov>
Subject: RE: Section 14.4 wildlife?

Hi Valois, thanks so much! This is really helpful background. I really appreciate it. I'll take a look at these files as well and will work it into the new section and will try to get you and Lucita something by the end of this week.

From: Robinson, Valois <Robinson.Valois@epa.gov>
Sent: Monday, September 14, 2020 7:26 PM
To: Denawa, Mai <Denawa.Mai@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>
Subject: RE: Section 14.4 wildlife?

Hi Mai,

Here is some background info that I hope will help put things in place a little:

The original wildlife survey was conducted in 2008 for development of the Large Scale Mine Permit App and the NRC SEIS.

The LSMP app was first submitted in 2012 but was updated in 2013.

I just glanced at the 2013 update report to try to figure out what prompted that & found this info in the intro:

In 2013, biologists with Thunderbird Wildlife Consulting, Inc. (TWC, formerly ICF Jones & Stokes, and Powder River Eagle Studies) began annual wildlife monitoring at the Dewey-Burdock Project as part of Powertech's voluntary efforts in preparation for future permitted activities. The annual wildlife monitoring efforts are part of a comprehensive avian monitoring and mitigation program being developed for Powertech in collaboration with SDGFP, SD Department of Environmental and Natural Resources (SD DENR), and the SD Ecological Services office of the U.S. Fish and Wildlife Service (USFWS) to comply with draft SD DENR conditions of the company's Large Scale Mine Permit (SD DENR 2013) and wildlife monitoring commitments made by the company in its Dewey-Burdock Environmental Report (Powertech 2009).

I'm sorry - I don't think I let you know where I stashed info related to wildlife:

I:\30 Day Share\Valois\Dewey Burdock\ESA\Powertech Info

Valois

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From: Denawa, Mai <Denawa.Mai@epa.gov>

Sent: Monday, September 14, 2020 5:36 PM

To: Robinson, Valois <Robinson.Valois@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>

Subject: RE: Section 14.4 wildlife?

Thanks Valois! That's a good idea to tie it to the LSMP application. It's helpful to confirm that the app contains mitigation measures for wildlife and vegetation generally, and is not just the surveys. As Stan said it seems like this "app" is equivalent to the "reclamation plan" language used in the regs. It sounds like though that PT will need to submit an updated survey (and accompanying mitigation measures)—so maybe I'll just add a note to section 14.4 to say that PT might update these mitigation measures, but that based on the info we have (the mitigation measures mentioned in the 2012 app)—the mitigation measures look good?

Also, I'm still confused because Stan referred to a 2008 survey and 2013 supplement survey but this is a 2012 application. In any case, I'll keep the state process description general so I don't think we'll need to get into the weeds.

And thanks for flagging the NRC summary of the state process. It sounds like they focus on monitoring. I'll see if I can pinpoint that state monitoring requirement and can cite that as part of our evaluation of the state's process.

From: Robinson, Valois <Robinson.Valois@epa.gov>
Sent: Monday, September 14, 2020 4:16 PM
To: Denawa, Mai <Denawa.Mai@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>
Subject: RE: Section 14.4 wildlife?

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I just checked the NRC SEIS. There is a very short section on wildlife monitoring:

7.4.2 Wildlife Monitoring

The applicant will conduct annual wildlife monitoring at the project site during the lifespan of the project (Powertech, 2009a). The annual wildlife monitoring surveys will follow the same regimen as other ISR operations in the region (NRC, 2009). This will facilitate comparisons among survey results and impact assessments. As described in SEIS Section 3.6, no federally listed threatened or endangered species were documented within the project area during the baseline study. However, eight raptor nests were identified within the proposed project area, including one active bald eagle nest. The bald eagle is currently listed as threatened and endangered by the South Dakota Department of Game, Fish, and Parks (SDGFP). The applicant's annual monitoring surveys will include the following:

(1) Early spring surveys for, and monitoring of, Greater sage-grouse leks {no sage-grouse leks were identified within 10 km [6 mi] of the proposed action area}; new and/or occupied raptor territories and/or nests; threatened and endangered species (federal and state); and species tracked by the South Dakota Natural Heritage Program, as directed, on and within 1.6 km [1 mi] of the proposed project area

(2) Late spring and summer surveys for raptor production at occupied nests, and opportunistic observations of all wildlife species, including threatened and endangered species, and other species of management concern

(3) Other surveys required by regulating agencies

The applicant will employ a number of possible mitigation strategies to reduce the impact of its activities on raptors in the project area (Powertech, 2009a). These strategies include possible relocation of raptor nests. In the unlikely event that the applicant determines it necessary to disturb a raptor nest, the applicant will develop a mitigation plan and consult with SDGFP and the U.S. Fish and Wildlife Service, at which time any applicable permits will be obtained from the appropriate agencies (Powertech, 2009a).

The applicant does not plan to sample aquatic species (Powertech, 2009a). As described in SEIS Section 3.6.2, aquatic species are limited within the proposed project area due to a lack of persistent aquatic resources (i.e., surface waters) and poor habitat conditions.

Because the proposed project area does not include any critical big game habitats (see SEIS Section 3.6) and is already included in SDGFP big game surveys, SDGFP did not require big game surveys for the applicant's baseline wildlife surveys. Consequently, no long-term big game monitoring requirements are planned (Powertech, 2009a). A similar approach has been applied to other baseline projects (uranium, coal, bentonite, gold) in South Dakota and Wyoming and is the current policy of both states for annual monitoring at surface mines in the two-state region.

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From: Denawa, Mai <Denawa.Mai@epa.gov>

Sent: Monday, September 14, 2020 3:38 PM

To: Robinson, Valois <Robinson.Valois@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>

Subject: Section 14.4 wildlife?

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Mai Denawa

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